

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA )**

**v. )**

**JUAN ANTONIO DURAN )**

**Case No. 2:23-cr-191-LSC-SGC**

**MOTION TO DISMISS**

The United States of America moves to dismiss Counts One, Two, Three, and Four without prejudice against Juan Antonio Duran in this matter because of his guilty plea in *United States of America v. Juan Antonio Duran*, 2:24-cr-002-LSC-GMB, which encompasses the same criminal acts.

1. On May 24, 2023, a two-count indictment charged Duran with conspiracy, a violation of 18 U.S.C. § 371, and false statement during the purchase of a firearm, a violation of 18 U.S.C. § 922(a)(6).
2. On September 26, 2023, a superseding indictment against Duran added Count Three charging straw purchasing of firearms, a violation of 18 U.S.C. § 932(b)(2) and (c)(1), and Count Four charging firearms trafficking, a violation of 18 U.S.C. § 933(a)(1) and (a)(3).
3. On January 5, 2024, Duran was charged by information with same four violations related to the same conduct, only alleging a different felony that Counts Three and Four were committed in furtherance of.

4. On January 11, 2024, Duran pleaded guilty to Counts One, Two, Three, and Four of the information.

Respectfully submitted on this the 18<sup>th</sup> day of January 2023.

PRIM F. ESCALONA  
United States Attorney

/s/ Electronic Signature  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically with the Clerk of the Court, Northern District of Alabama, using the CM/ECF system to send notification of such filing to attorney of record.

/s/ Electronic Signature

DANIEL S. MCBRAYER

Assistant United States Attorney